IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

Crl.Rev.Pet.No. 1444 of 2007()

CRA.151/2006 of SESSIONS COURT, KALPETTA
STC.823/2005 of JUDL.MAGISTRATE OF FIRST CLASS, MANANTHAVADY

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REVN. PETITIONER: APPELLANT/ACCUSED

K.T.SURESH, DRIVER, K.S.R.T.C.,
MANANTHAVADY DEPOT., KSEB QUARTERS,
DAMSITE, PADINHARATHARA.

BY ADV. SRI.SARVOTHAMAN

RESPONDENTS: RESPONDENT/COMPLAINANT AND STATE

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1. I.T.SURESH, S/O LATE MADHAVAN NAIR,
PUTHIYAVEEDU HOUSE, ORANGADI, KATTAYADU POST,
VELLAMUNDA AMSOM, MANANTHAVADY.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 1444 OF 2007

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Dated this the 9th day of April 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo imprisonment till rising of the court and to pay a compensation of Rs.50,000/- vide Section 357(3) Cr.P.C and in default to undergo simple imprisonment for one month. The revision petition is directed against the order of the appellate court dismissing the application to condone the delay of 88 days. It is seen from the order that although the court had allowed the application on deposit of Rs.500/- to the account of Secretary, District Legal Services Authority and several opportunities were given to the appellant he failed to comply with the order. In view of the fact that it is mentioned that several opportunities were given to the appellant I find no reason to interfere in the order of the courts below.

2. All the same considering the plea of the counsel for the revision petitioner, the revision petitioner is granted four months time from today onwards to deposit the amount of compensation. The revision petitioner shall appear before Judicial Magistrate-I, Mananthavady on **10.08.2007** to receive sentence.

The Crl.R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

RV